

St Mary Rehabilitation Working Group
10:00 – 3:00, July 26th, 2004
Triangle Telephone, Havre, MT

Welcome and Opening Remarks: Members present included: Lt. Governor Ohs, Steve Page, Matt McCann, Larry Mires, Gary Anderson, Randy Perez, Max Maddox, Marko Manoukin, Paul Tuss, Paul Azevedo, Kevin Salisbury, Dave Peterson (replacing Jeff Jensen), Mike Tatsey, Mike Barthel, Randy Reed. Absent: Dolores Plumage, and no representative named for Glasgow Irrigation District.

Review of last Meeting Notes: Notes from June 23 meeting were approved with no changes.

Election of Working Group Co-Chair:

- Lt. Governor Ohs reviewed discussions from the June 23 meeting on the need to elect a co-chair. Reasons cited included 1) to fill in for Lt. Gov Ohs as needed, and 2) to provide stability for the Group through the upcoming change in administrations in Helena. Members agreed that as with Lt. Gov. Ohs, the position would also function as Co-Chair of Executive Committee.
- Steve Page presented Randy Reed as the Executive Committee's nomination. He cited Randy's knowledge of the project and his understanding that success or failure of the project reaches far beyond irrigated agriculture in the basin.
- Nominations were opened to other members of Working Group. No other nominations were brought forward. Randy Reed was subsequently elected as co-chair by consensus of Working Group members present.

Tribal Representation:

- Mike Tatsey stated the Blackfeet perspective on meeting attendance. Involvement is important to the Tribe but not to the exclusion of all else. Mike and Paul Azevedo are in regular contact through phone and email connections as well as meetings with USBR.
- Paul Azevedo pointed out the importance of attending as many meetings as possible by Working Group members and/or their alternates. If someone is not up to speed, catching up and rehashing issues slows everything down.
- Lt. Governor Ohs stressed that the most important point is keeping communications open.
- Randy Perez stated that keeping informed is of utmost importance and up to each member. However distances traveled should be considered and concessions made. "Like getting water to the end of the irrigation canal, it can sometimes be difficult."
- Gary Anderson pointed out the importance of active representation by each group, whether through meeting attendance, alternates or electronic contacts.

Updates & Progress Reports:

- Finance Committee Draft Budget:
 - John Tubbs presented draft budget proposal for FY '05 that was crafted through discussions between DNRC and Executive Committee. Budget projections were based on examination of State expenditures and Working Group in-kind contributions in FY '04.

- Anticipated funding sources included:
 - State Environmental Contingency Account – \$100,000
 - DNRC / Lt. Gov. Office – \$209,992
 - Funds raised within basin – \$166,750
 - Working Group in-kind – \$56,148
- Randy Reed stressed the need to think of this budget as annual contribution to the project. Paul Tuss and Steve Page agreed. Working Group needs to let folks know that raising financial support from the basin will be an ongoing effort, not a one-time “priming of the pump.” Gary Anderson noted that \$100,000/yr is small change when going for \$100 million.
- There was some discussion on the amount to budget for D.C. representation. John T. noted that a rule of thumb developed from other projects he has been involved in is about \$70,000 per \$10 million. John suggested the group talk with Tribal governments to get help with lobby efforts.
- Draft budget was approved by Working Group membership.
- Outreach Committee:
 - Steve Page reported that the Outreach committee has developed a mission statement. *“The outreach committee shall develop and disseminate information on behalf of the St. Mary Rehabilitation Working Group and seek public and political support for the project.”*
 - Motion made to ratify the mission statement of the Outreach Committee.
 - Outreach Committee has determined a need for an in-basin coordinator, Washington D.C. representation, travel budget, misc. expenses and an in-basin contribution to engineering efforts.
 - Development of a PowerPoint presentation is in production stage. Tri-fold brochure that explains the project and discusses the benefits is being drafted. Looking for pictures to add to both of these presentations. Soliciting membership for assistance with photos. Fact sheet is complete.
 - Paul Azevedo discussed handouts on political and media outreach. He had put together information at the request of Working Group. He requested guidance from group on what to do with the information next.
 - Steve responded that Fact Sheet was mainly intended for Working Group members. It will provide everyone with a consistent set of discussion points when talking with other people or groups. Paul was asked to post information on the group’s web site in an html format to allow for “cut and paste.”
 - John Tubbs informed everyone about an opportunity for group to write op-ed pieces with the help of a professional writer. Writing assistance would be made available through the MT Association of Conservation Districts. Randy felt this would be a good chance to spread larger message throughout the State. Mike Tatsey mentioned that Blackfeet Tribe needs assistance to build support for fixing their fisheries. Randy and Mike were suggested as co-authors to represent a wider scope of the project. Randy could address siphon break. Mike could address tribal concerns.
 - Steve Page thanked Paul Azevedo for his presentation efforts at teacher’s workshop sponsored by the Montana Watercourse. Paul gave a PowerPoint

presentation on the St. Mary Rehab project and the importance of the project to the Milk River Basin. He will send a copy of presentation to Working Group members.

- Funding sub-committee:
 - Dave Peterson reported Havre City Council has voted to contribute \$10,000.
 - Mike Barthel stated Walleyes Unlimited total donations to date are \$6,300.
 - Marko Manoukin affirmed Phillips County approved \$5,000, and City of Malta has pledged \$5,000.
 - Larry Mires stated Glasgow Walleyes Unlimited donated \$1,000, Valley County Commissioners put in a request for \$10,000.
 - Gary Anderson reported presentation made to Chinook City Council for maximum of up to \$5,000, probably will get around \$2,000.
 - Paul Tuss will be meeting with Hill County in the upcoming week.
 - Steve Page related that the Executive Committee will be sending a letter to the Joint Board of Control asking them to consider increasing their contribution from \$.50/acre to \$1.00/acre. This letter also explains that the Working Group is asking Milk River Project irrigators to assess themselves \$1/acre for the duration of the project.
 - Steve also mentioned the need to get contributions from contract and permitted pumpers to insure equity. Randy Reed suggested sending the contract pumpers a letter asking for a \$1/acre contribution to maintain consistency.
 - Marv Cross of DNRC stated there are seventeen state permitted pumpers in the basin. Some permitted pumpers are also contract pumpers. Suggested asking \$1.00/acre whether permitted or contracted.
 - Larry Mires commented that it is easier to ask outside interests to contribute when the basin has met their goals. When public comment suggested going after Great Falls contacts for contributions.
- Engineering Review Committee: John Tubbs presented a timeline for hiring an engineering company to start reviewing available information from USBR.
 - August 1 – 18: DNRC advertises request for qualifications (RFQ)
 - August 23: Final submittal date for RFQ's
 - August 25: Deliver RFQ's to Engineering Review Committee
 - September 1: DNRC and Review Committee meet to develop short list of qualified companies.
 - September 13 – 17: DNRC and Review Committee interview short-listed companies
 - September 22: DNRC and Review Committee select contractor. DNRC and selected contractor sign contract.
 - John asked for, and received, consent of Working Group to release RFQ.
- Teleconference between USBR, DNRC and Tribes: Representatives from USBR, the Blackfeet Tribe and DNRC held a conference call on July 16. Randy Perez with Ft. Belknap did not participate.

- USBR and State will meet with new Blackfeet Tribal Council in Browning in the near future.
- Discussed how to overcome difference of opinion on language used in draft memorandum of understanding (MOU) between State and USBR. USBR does not have congressional authority to grant some of the assurances sought by State (i.e., pass through funds, limits on USBR overhead charges). Reached agreement that St. Mary legislation is a better vehicle for State to seek desired assurances.
- Blackfeet Tribe and USBR are working on a separate MOU. USBR has submitted a draft, but the Tribe had not seen it yet.
- Reviewed draft of RFQ the state has put together. USBR is uncomfortable with some language the State has included. For instance, USBR does not contract out design and construction management on projects they hold title to.
- USBR, BIA, and Blackfeet are still working on right-of- way issues.
- Discussion between Jamie Macartney and John Tubbs as to USBR's stand on canal rehabilitation. John feels the project has been stuck for two decades because there is not a balanced relationship between USBR and the water users. The current relationship is a user-agency relationship where USBR controls all aspects of the project acting as engineer, contractor, owner, and operator. Under this arrangement water users have been able to do little more than accept what USBR tells them. The State is trying to develop a client-engineer relationship, where the engineering firm truly responds to the needs and directions of the client (the Working Group).
- **St. Mary Legislation and other legislative issues:**
 - Paul Azevedo stated letters were sent out through the Lt. Governor's office to all three members of Congressional Delegation on July 14. Only response has come from Senator Burns' office. His schedule is already full for the month of August, and he cannot meet with the Working Group.
- **Invitation to Gubernatorial Candidates:**
 - Paul Azevedo stated letters to both gubernatorial candidates were sent out through the Lt. Governor's office on July 14. Candidate Bob Brown has responded and has requested a morning appearance due to prior commitment in the afternoon. Brian Schweitzer has not responded yet to the invitation. Paul Tuss has been asked on behalf of the Executive Committee to contact Schweitzer campaign and will do so.
 - Paul asked the Working Group for guidance on planning for appearances of gubernatorial candidates. What sort of interaction with the candidates was the Working Group looking for?
 - Randy Perez suggested this would be a good educational opportunity to include the Tribes and their concerns.
 - Mike Tatsey would like to give a presentation on Blackfeet concerns.
 - John Tubbs suggested putting together a four-person panel to present scripted messages. A good history lesson for everyone.
 - Mike Barthel suggested sending out a personal invitation to the Tribal Council and Elders for their attendance.

- **St. Mary System operation update:** Jamie Macartney USBR gave update
 - Lake Sherburne concrete repair/construction will be pushed out a year. Design, NEPA, PSA for FY '05, construction to begin in '06.
 - Milk River Joint Board of Control has awarded the contract for eight new expansion/contraction joints for St. Mary siphon to be put in this fall.
 - Joint Board of Control has submitted two grants to the state. One to purchase expansion/contraction joints for Hall's coulee siphon and replace some of the concrete supports. Second to repair the concrete in some of the Lake Sherburne outlet works tunnel forms.
 - USBR discovered a leak in the left barrel of the St. Mary River siphon last Wednesday night 7/21/04. Across the bridge and up the hill, 800 feet short of the siphon out let. USBR was slowly dewatering the canal. Quick shutdown might trigger landslides. Leak believed to be related to repair work done in Fall of 2001 when a crumpled section of the siphon was replaced and a hatch was cut to access the section. Over time the weld on that hatch may have come loose. While it is dewatered, USBR is going to take time to do an inspection.
 - Flow #'s: Lake Sherburne: 236 cfs in; 47 cfs out. St. Mary Canal at 650 cfs before 7/23, at 140 cfs by Friday, shut down as of 7/26. Fresno Reservoir: 385 cfs in; 804 cfs out.
 - Mike Tatsey commented that the Blackfeet Tribe was not contacted by the USBR regarding the leak. Paul Azevedo informed him of the crisis. Jamie was not sure why Mike had to hear about it from Paul first. He was sure USBR had sent word to Tribe. Mike was not aware of any contacts from USBR.
 - John Tubbs asked Jamie about the seepage above/downstream of the leak. Jamie believed that the seepage was already known and thought to be an expansion/contraction joint, which will be addressed this fall.
 - Randy Perez asked how many acre-feet of water were being lost a day while the canal is shut down. Jamie was unable to answer that question, but stated that Lake Sherburne would be holding the unused water in reserve. Jamie also reported that, theoretically, the canal would be run longer at the end of the year to make up for down time.
- Preparation for meeting with International Joint Commission (IJC) – PowerPoint presentation by Rich Moy of DNRC – With Working Group questions regarding presentation and testimony before the IJC.
 - Mike Tatsey stated his concern that the Blackfeet Tribal Council was not pre-informed of the intent of these hearings. Tribal Council should have been involved in planning discussions from the very beginning. Blackfeet Nation is a sovereign nation and expects to be treated that way. Tribal Council does not want to be treated like just another member of the public.
 - Mike indicated that Rich's presentation left him in a very difficult position. Mike was prepared to present the Tribal Council's official opinion at IJC meetings. Based on the limited information made available to them, Tribal Council's position was not favorable to the State. After Rich's presentation, Mike had a better understanding of the State's intentions. If the State had met with Tribal

Council as the Council requested on July 15, a lot of misunderstanding could have been cleared up. Council may have chosen not to provide testimony or to provide testimony in favor of State's position. Mike did not have the authority to change Council's official position. Rich volunteered to meet with Mike and Tribal Council members present after the meeting to discuss options.

- Randy Perez stated the Ft. Belknap tribe would not present testimony, but would like to submit written testimony at a later date.
- Mike Tatsey suggested the Blackfeet Tribe, with support of the state and other water users, could assert some control over usage of the water which originates on their land. If things don't turn out well with IJC, a different approach may need to be taken.
- Bob Larson suggested if there are questions/concerns, testimony should be postponed. Rich should personally meet with those needing more clarification on the issue.
- Earl Old Person stated the native people have a right to be skeptical.

Public Comment:

- Earl Old Person asked "How long ago was it determined to rehabilitate the St. Mary Canal, and what prompted the need?" Paul Azevedo responded that at USBR's Water 2025 meeting in Billings last summer, USBR Commissioner John Keys stated that rehabilitation of St. Mary's was not a priority for USBR. This news prompted the State of Montana to get more actively involved in rehabilitation efforts. State efforts began in November 2003.
- Kristi Kline of Milk River International Alliance presented their outreach pamphlet as resource for interconnection with conservation districts and the public.
- Pat Thomas of Blackfeet Tribal Council questioned amount of O & M charges with respect to distance the water travels. (Pat was referring to Tribal irrigation projects. These projects are not connected to the St. Mary rehabilitation effort). According to Randy Perez, the amount of O&M paid on Tribal irrigation projects varies from reservation to reservation depending on agreements with federal government.

Item left from June Meeting: Paul Azevedo asked about Blackfeet representation on Executive Committee. Mike Tatsey will be the Blackfeet representative.

Action Items:

- John Tubbs will contact MT Associations of Conservation Districts for op. ed. meeting with Randy Reed And Mike Tatsey.
- Paul Azevedo will distribute copies of his St. Mary's PowerPoint presentation to members of the Working Group.
- Paul will have legislative contact information posted to the website in html format.
- Executive Committee will send letter to Joint Board of Control requesting they increase their annual assessment to \$1/acre to help pay for rehabilitation effort.
- Executive Committee will also draft a letter to contract and permit pumpers asking for a \$1/acre contribution.
- Group needs feedback on letters of support from Lt. Governor's office. Paul Azevedo will check on this.

Thanks to Walleyes Unlimited for sponsoring coffee and donuts!

Location and agenda items for Aug. 25th Meeting: Chinook was chosen as the next meeting location. Gary Anderson and Max Maddox will find a site in Chinook (possibly the Chinook Motor Inn). Paul Azevedo will post that information and email Working Group members when details are finalized.

Agenda Items for next meeting:

- Paul Azevedo will set up educational presentation for gubernatorial candidates.
- More information on engineering, response from firms.
- Usual updates from committees and USBR.

Meeting Adjourned @ 3:45pm